

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOLYN SCHMELING,

Defendant.

8:05CR239

ORDER

This matter is before the court on the motion to continue by defendant Jolyn Schmeling (Schmeling) (Filing No. 24). Schmeling seeks a continuance of the trial of this matter which is scheduled for May 30, 2006. Schmeling's counsel represents that counsel for the government has no objection to the motion. Schmeling's counsel represents that Schmeling will submit an affidavit in accordance with paragraph 9 of the progression order whereby Schmeling consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Schmeling's motion to continue trial (Filing No. 24) is granted.
2. Trial of this matter is re-scheduled for **July 3, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 25, 2006 and July 3, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 25th day of May, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge